

**17B-1-415 Annexation of wholesale district through expansion of retail provider --
Annexation of a local district that provides transportation services.**

- (1)
 - (a) A local district that provides a wholesale service may adopt a resolution approving the annexation of an area outside the local district's boundaries if:
 - (i) the area is annexed by or otherwise added to, or is added to the retail service area of, a municipality or another local district that:
 - (A) acquires the wholesale service from the local district and provides it as a retail service;
 - (B) is, before the annexation or other addition, located at least partly within the local district; and
 - (C) after the annexation or other addition will provide to the annexed or added area the same retail service that the local district provides as a wholesale service to the municipality or other local district; and
 - (ii) except as provided in Subsection (2), no part of the area is within the boundaries of another local district that provides the same wholesale service as the proposed annexing local district.
 - (b) For purposes of this section:
 - (i) a local district providing public transportation service shall be considered to be providing a wholesale service; and
 - (ii) a municipality included within the boundaries of the local district providing public transportation service shall be considered to be acquiring that wholesale service from the local district and providing it as a retail service and to be providing that retail service after the annexation or other addition to the annexed or added area, even though the municipality does not in fact provide that service.
- (2) Notwithstanding Subsection (1)(a)(ii), an area outside the boundaries of a local district providing a wholesale service and located partly or entirely within the boundaries of another local district that provides the same wholesale service may be annexed to the local district if:
 - (a) the conditions under Subsection (1)(a)(i) are present; and
 - (b) the proposed annexing local district and the other local district follow the same procedure as is required for a boundary adjustment under Section 17B-1-417, including both district boards adopting a resolution approving the annexation of the area to the proposed annexing local district and the withdrawal of that area from the other district.
- (3) A local district that provides transportation services may adopt a resolution approving the annexation of the area outside of the local district's boundaries if:
 - (a) the area is within a county that has levied a sales and use tax under Section 59-12-2216; and
 - (b) the county legislative body has adopted a resolution approving the annexation of the areas outside of the local district.
- (4) Upon the adoption of an annexation resolution under this section, the board of the annexing local district shall comply with the requirements of Subsection 17B-1-414(2), and the lieutenant governor shall issue a certificate of annexation and send a copy of notice as provided in Section 67-1a-6.5.
- (5) Subsections 17B-1-414(2) and (3) apply to an annexation under this section.

Amended by Chapter 223, 2011 General Session